

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 11/1/2022

-----X
UNITED STATES OF AMERICA,

-v-

LAWRENCE RAY,

Defendant.
-----X

20-cr-110 (LJL)

ORDER

LEWIS J. LIMAN, United States District Judge:

The Court will hold oral argument on Defendant Lawrence Ray's motion to dismiss Count Fifteen of the trial indictment under Federal Rule of Criminal Procedure 29 on November 15, 2022 at 11:30 a.m. The hearing will be held in-person in Courtroom 15C at the 500 Pearl Street Courthouse. The parties should be prepared to discuss the following issues:

(1) whether there was sufficient evidence that Female Victim-1 suffered "physical injury" as defined in New York Penal Law § 9;

(2) whether the Court should apply a categorical approach to 18 U.S.C. § 1959, *see United States v. Keene*, 955 F.3d 391 (4th Cir. 2020); and

(3) if the Court applies a categorical approach to 18 U.S.C. § 1959, whether the crime of menacing in violation of New York Penal Law § 120.14 is broader than assault with a dangerous weapon under 18 U.S.C. § 1959.

In advance of oral argument, the parties are permitted to submit letter briefs, not to exceed 10 singled-spaced pages, that address the three issues identified above. Each party's letter brief is due November 8, 2022.

SO ORDERED.

Dated: November 1, 2022
New York, New York



LEWIS J. LIMAN
United States District Judge